

811 KAR 1:055. Declaration to start; drawing horses.

RELATES TO: KRS 230.215, 230.260(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to promulgate administrative regulations prescribing the condition under which horse racing shall be conducted Kentucky. This administrative regulation establishes requirement for declarations to start and drawing horses.

Section 1. Declaration. (1) Extended pari-mutuel meetings. The declaration time shall be the time posted on the condition sheet.

(2) A horse shall not start in more than one (1) race on a racing day.

(3) The time when declarations close shall be the time in use at the meeting.

(4) The association shall provide a locked box with an aperture through which declarations shall be deposited.

(5) Responsibility for declaration box.

(a) The presiding judge shall be in charge of the declaration box.

(b) The presiding judge shall appoint the race secretary to draw races in his or her absence.

(6) Prior to the opening of the box at extended pari-mutuel meetings where futurities, stakes, early closing or late closing events are on the program, the presiding judge or the race secretary shall:

(a) Ascertain if any declarations by telephone or otherwise are in the office and not deposited in the entry box; and

(b) Ensure that they are declared and drawn in the proper event.

(7) Opening of declaration box.

(a) The presiding judge or the race secretary shall unlock the box and sort the declarations at the time specified on the condition sheet.

(b) After the presiding judge or the judge's designee unlocks the box, he or she shall deliver the sorted declarations to the race secretary.

(8) Entry box and drawing of horses at extended pari-mutuel meetings.

(a) The entry box shall be opened by the presiding judge or the judge's designee at the time specified on the condition sheet.

(b) The presiding judge or the judge's designee shall ensure that at least one (1) horseman or an official representative of the horseman is present. An owner or agent for a horse with a declaration in the entry box may be present.

(c) Under the supervision of the presiding judge or the judge's designee, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn.

(d) If it is necessary to reopen any race, a minimum of two(2) public announcements shall be made and the box shall be reopened at the announced time.

(9) In races of a duration of more than one (1) dash or heat at a pari-mutuel meeting, the judges may draw post positions from the stand for succeeding dashes or heats.

(10) A declaration made and received that is deposited in the box before the time specified to declare in shall be drawn in the same manner regardless of whether it was received by telephone or otherwise.

(a) The drawings shall be final.

(b) A declaration shall state the:

1. Name and address of the owner or lessee;

2. Name, color, sex, sire and dam of the horse;

3. Name of the driver and his colors;

4. Date and place of last start;
5. Past performance of the horse, including the number of starts, first, seconds, thirds, earnings and best winning time for the current year; and
6. Event or events in which the horse is to be entered.

(11) Effect of failure to declare on time. If an association requires a horse to be declared at a stated time, failure to declare at that time shall be considered a withdrawal from the event.

(12) Withdrawal of a horse after declaration.

(a) After declaration to start has been made, a horse shall be withdrawn only because of sickness, lameness, injury, or hazardous track conditions. The presiding judge shall make the final determination of whether or not to grant permission.

(b) A horse eligible to start in a second, third, or fourth heat of a race shall not be withdrawn without the permission of the judges in accordance with paragraph (a) of this subsection.

(c) A person who withdraws a horse without permission.

(13) A horse omitted through error.

(a) Except as provided in this subsection, a drawing shall be final.

(b) A horse that has been omitted shall be added to the race and given the outside post position if:

1. There is conclusive evidence that the horse was properly declared;

2. The horse was omitted from the race through error of an association, its agent, or employee; and

3. The error is discovered prior to the electronic distribution of the overnight sheet.

(c) For a pari-mutuel meeting, the provisions of this subsection shall apply only if the error is discovered prior to the publication of the official program.

Section 2. Qualifying Races. At an extended pari-mutuel meeting, declarations for overnight events shall be governed by the following:

(1)(a) Within thirty (30) days of being declared in, a horse that has not raced previously at the gait chosen shall:

1. Complete a qualifying race in compliance with the conditions set forth by the association under the supervision of a judge holding a presiding or associate judge's license for pari-mutuel meetings; and

2. Acquire at least one (1) charted line by a licensed charter.

(b) Time and beaten lengths shall be determined by a standard photo finish.

(2)(a) The requirements of subsection (1) of this section shall apply to a horse that does not show a charted line for:

1. The previous season; or

2. Within its last six (6) starts.

(b) Uncharted races contested in a heat of more than one (1) dash, and consolidated according to subsection (4) of this section shall be considered one (1) start.

(3)(a) The requirements of subsection (2) of this section shall not apply if a horse:

1. Has raced at a charted meeting during the current season; and

2. Has to meetings at which the races are not charted.

(b) The information from the uncharted races may be:

1. Summarized, including each start; and

2. Consolidated in favor of charted lines.

(4) If the race is less than one (1) mile, the consolidated line shall list the carry date, place, time, driver, finish, track condition, and distance.

(5)(a) The judges shall require a horse that has been on the judge's list to successfully complete a qualifying race except as provided in subsection (6)(a) of this section.

(b) If a horse has raced in individual time not meeting the qualifying standards for that class of horse, after making allowance for track variations, the horse shall be required to successfully complete a qualifying race.

(6)(a) Except as provided by paragraph (b) of this subsection, if adequate competition is not available for a qualifying race, the judges may permit a fast horse to qualify by a timed workout that is consistent with the time of the races in which the horse will compete.

(b) A horse shall be required to qualify in a qualifying race if it is on the judge's list for any of the following:

1. Breaks;
2. Refusing to come to the gate;
3. Poor performance; or
4. Being unmanageable.

(7) Qualifying races shall be:

(a) Held at least one (1) week prior to the opening of a meeting of ten (10) days or more; and

(b) Scheduled as needed through the last week of the meeting.

(8)(a) A race to qualify drivers and horses shall be charted, timed, and recorded.

(b) A race to qualify only drivers shall not be required to be charted, timed, and recorded.

(9)(a) Except as provided in paragraph (b) of this subsection, if a horse takes a win record in a qualifying race, the record shall be prefaced with the letter "Q".

(b)1. The record shall not be prefaced with the letter "Q" if, immediately prior to or following the race, the horse has been submitted to an approved urine, saliva, or blood test.

2. The presiding judge shall report the test on the judge's sheet.

(10) Before it is permitted to start in a race with pari-mutuel wagering, a horse that fails to race at a charted meeting within thirty (30) days after having started shall:

(a) Start in a charted race, or a qualifying race; and

(b) Meet the standards of the meeting.

(11) A horse shall not enter more than one (1) qualifying race per day.

Section 3. Coupled Entries. (1)(a) Except as provided by the provisions of this section, two (2) or more horses shall be coupled as a single entry if they are:

1. Owned or trained by the same person; or
2. Trained in the same stable by the same management.

(b) A wager on one (1) of the horses coupled as an "entry" shall be a wager on all horses in the entry.

(2)(a) If a trainer enters two (2) or more horses, under bona fide separate ownerships or the same ownership, in the events specified in paragraph (b) of this subsection, each horse may race as a separate betting entry if:

1. The association has requested they be permitted to race as separate betting entries; and
2. The judges approve the request.

(b) This subsection shall apply to any stake, early or late closing event, futurity, free-for-all, or other special event.

(c) If more than one (1) horse is trained by the same person, that fact shall be stated prominently in the program.

(d) If the race is split in two (2) or more divisions, horses coupled in a single entry shall be seeded insofar as possible, in the following order, by:

1. Owners;
2. Trainers; and
3. Stables.

(e) Divisions and post positions shall be drawn by lot.

(f) Elimination heats also shall be governed by the provisions of paragraphs (d) and (e) of this subsection.

(3) The presiding judge or the race secretary shall be responsible for coupling horses.

(4)(a) If it is necessary to protect the public interest, horses that are separately owned or trained may be coupled for pari-mutuel wagering; and

(b) An entry shall not be rejected on that basis.

(5) If an owner, lessor, or lessee has a vested interest in another horse in the same race, it shall constitute an entry.

Section 4. Also Eligibles. (1) More than two (2) horses shall not be drawn as also eligibles for a race.

(2) The positions of also eligibles shall be drawn along with the starters in the race.

(3) If one (1) or more horses are excused by the judges, the also eligible horse shall:

(a) In handicap races in which the handicap is the same, take the place of the horse that it replaces;

(b) In handicap races in which the handicap is different, take the position on the outside of the horses with a similar handicap; or

(c) In other races, take the post position drawn by the horse it replaces.

(4) A horse shall not be added to a race as an also eligible unless the horse was drawn at the time declarations closed.

(5)(a) A horse shall not be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list shall not be drawn without the permission of the judges.

(b) The owner or trainer of a horse moved into the race from the also eligible list shall be notified that the horse is in to go.

(6) A horse on the also eligible list that is not moved into race by scratch time of the track shall be released.

Section 5. Preference. (1)(a) Preference shall be given in overnight events according to a horse's last previous purse race during the current year.

(b) The preference date on a horse that has drawn to race and has been scratched shall be the date of the race from which the horse was scratched.

(2) If a horse is racing for the first time in the current year, the date of the first successful qualifier shall be considered the horse's last race date, and preference shall be applied accordingly.

(3)(a) If an error has been made in determining or posting a preference date, and the error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one (1) hour of the announcement of the draw.

(b) If a preference date error has occurred, the race shall be redrawn.

Section 6. Judge's List. (1)(a) A horse shall be placed on a judge's list by the presiding judge if it is unfit to race because it:

1. Is dangerous;

2. Is unmanageable;

3. Is sick;

4. Is lame; or

5. Is unable to show a performance to qualify for races at the meeting; or

6. Has exhibited repeated breaks.

(b) The owner or trainer shall be notified in writing when a horse is placed on a judge's list, and the specific item listed in paragraph (a) of this subsection upon which the action is based.

(c) Declaration on a horse placed on a judge's list shall be refused.

(d) If a horse is placed on a judge's list, the clerk of the course shall make a note on the electronic eligibility of the horse stating the:

1. Date it was placed on the judge's list;
2. Reason it was placed on the judge's list; and
3. If the horse has been removed from the judge's list, the date of its removal.

(2)(a) A presiding judge or other official at a nonextended meeting shall not remove from the judge's list and accept as an entry a horse that:

1. Has been placed on a judge's list; and
2. Has not been removed from the judge's list because it is dangerous or unmanageable.

(b) A presiding judge shall refuse declarations on a horse that has been placed on, but not removed from, a judge's list.

(3) A horse scratched from a race because of lameness or sickness shall not race for a period of seven (7) day beginning with the day of the scratch.

Section 7. Driver. (1) A declaration shall state the name of the horse's driver and the driver's colors.

(2) A driver shall not be changed after scratch time of the track without the permission of the judges. The judges shall grant permission if:

(a) The driver is unable to be on the premises for a good-faith reason beyond his or her control; or

(b) The driver is on the premises but unable to participate due to illness or injury.

(3) If a nominator starts two (2) or more horses, the judges shall approve the second and third drivers if no conflicts of interest exist between the ownership of the horses and the drivers.

Section 8. (1) The presiding judge shall call a meeting of all horsemen on the grounds before the opening of an extended pari-mutuel meeting to appoint a committee to consist of the presiding judge, a representative of the association, and a representative of the Kentucky Harness Horseman's Association to consider matters relating to the withdrawal of horses due to bad track or weather conditions.

(2)(a) If track conditions are questionable due to weather, the presiding judge shall call a meeting of the committee formed in subsection (1) of this section.

(b) Upon unanimous decision by the committee that track conditions are safe for racing, withdrawals shall not be made.

(3)(a) An entrant may scratch a horse if:

1. A decision by the committee that the track is safe is not unanimous; and
2. The entrant has posted ten (10) percent of the purse for the race.

(b) A person who scratches a horse for a reason other than sickness, lameness, injury, or hazardous track conditions shall be considered to be in violation of this administrative regulation.

(c) If sufficient withdrawals are received to cause the field to be less than six (6), the association shall have the right to postpone an early closing event or stake and cancel an overnight event.

(4)(a) The money posted pursuant to subsection 3(a)2 of this section shall be forwarded to the Authority.

(b) The Authority shall determine whether a withdrawal was for sickness, lameness, injury, or hazardous track conditions.

(c) The money shall be:

1. Forfeited if the Authority determines that the withdrawal was not for good cause; or
2. Refunded if the Authority determines that the withdrawal was for good cause.

(5) This section applies only to the withdrawal of horses that have been properly declared in

and does not apply to postponement as set forth in 811 KAR 1:060.

Section 9. Length of Race and Number of Heats. (1) A race or dash shall be listed at a stated distance in units no shorter than one-sixteenth (1/16) of a mile.

(2) The length of the race and the number of heats shall be stated in the conditions.

(3) If a distance or number of heats is not specified, any race shall be a single mile dash except at fairs and meetings of a duration of six (6) days or less where they shall be conducted in two (2) dashes at one (1) mile distances.

Section 10. Two (2) Year Olds. A two (2) year old shall not be permitted to:

(1) Start in a dash or heat exceeding one (1) mile in distance; or

(2) Race in more than two (2) heats or dashes per day.

Section 11. Penalties. A person or association that violates any provision of this administrative regulation shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1). (1 Ky.R. 1108; eff. 6-11-75; Am. 4 Ky.R. 331; eff. 5-3-78; 5 Ky.R. 707; eff. 5-2-79; 6 Ky.R. 302; eff. 1-2-80; 435; eff. 4-1-80; 9 Ky.R. 968; eff. 3-2-83; 13 Ky.R. 1114; eff. 1-13-87; 1277; eff. 2-10-87; 15 Ky.R. 856; eff. 11-11-88; 20 Ky.R. 432; 1804; eff. 1-10-94; 27 Ky.R. 2587; 3093; eff. 5-14-2001; 28 Ky.R. 2253; eff. 6-14-2002; 33 Ky.R. 938; 1348; 3195; eff. 5-4-07.)